IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 891 OF 1994.

MIRC Electronics (I) Ltd. & Anr. .. Petitioners.

V/s.

State of Maharashtra & ors. ... Respondents.

Shri M. S. Doctor i/b Kanga & Co. for the petitioners.

Shri Rajiv Chavan for for respondent No.s 1 & 2.

Shri Vijay Kantharia for respondent No.5.

CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.

DATED : 17.10.2005.

P.C. :

. Heard learned Counsel for the petitioners.

2. Learned Counsel for the petitioners fairly states that the issues raised in this petition are answered against the petitioners in view of the judgment of this Court in the case of **The Antifriction Bearings Corportation Ltd. vs. State of Maharashtra & ors. 1999(1) Bom.C.R. 13.** In view of the submission made by the petitioner, the petition is liable to be dismissed.

3. In view of the aforesaid judgment, petitioner shall be liable to pay differential stamp duty as ordered by respondent No.2- Deputy Inspector

General of Registration and Deputy Controller of Stamps (Enforcement), Bombay, vide orders dated 2nd December 1993. Petitioners have given an undertaking to this Court recorded in the order dated 15.4.1994 that in case this Court directs, they would pay or deposit the differential amount of stamp duty in the sum of Rs. 3,00,000/- within such time as the Court may fix.

4. In order to enable the petitioner to comply with the aforesaid undertaking, we fix four weeks' time and direct the petitionerto pay to or deposit differential stamp duty with respondent No.2 with simple interest thereon @ 10% p.a.

5. Failure on the part of the petitioners to comply with the undertaking given by them, the respondent No.2 shall be at liberty to initiate any action against the petitioners for recovery or for having committed breach of the undertaking under the provisions of the Contempt of Courts Act or any other Act for the time being in force.

6. In the result, petition is dismissed. Rule stands discharged in terms of this order with no order as to costs.

(J.P. DEVADHAR,J.) **(V.C. DAGA,J.)**